

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
MIDLAND/ODESSA DIVISION**

JOSEPH ALLGOOD,
Plaintiff,

v.

**PARSLEY ENERGY OPERATIONS,
LLC and PIONEER NATURAL
RESOURCES COMPANY,**
Defendants.

§
§
§
§
§
§
§

MO:21-CV-52-DC-RCG

REPORT AND RECOMMENDATION OF THE U.S. MAGISTRATE JUDGE

BEFORE THE COURT is Plaintiff Joseph Allgood's ("Plaintiff") Motion to Dismiss Without Prejudice ("Motion to Dismiss"). (Doc. 13). This case is before the undersigned through an Order pursuant to 28 U.S.C. § 636 and Appendix C of the Local Court Rules for the Assignment of Duties to United States Magistrate Judges. (Doc. 8). After due consideration, the undersigned **RECOMMENDS** Plaintiff's Motion to Dismiss be **GRANTED**. (Doc. 13).

On April 1, 2021, Plaintiff filed this suit against Defendants Parsley Energy Operations, LLC and Pioneer Natural Resources Company alleging violations of the Fair Labor Standards Act, 29 U.S.C. §§ 201, *et seq.* (Doc. 1). On May 28, 2021, Plaintiff filed the instant Motion to Dismiss. By his Motion, Plaintiff requests the Court dismiss without prejudice all claims against Defendants Parsley Energy Operations, LLC and Pioneer Natural Resources Company. (Doc. 13). Pursuant to Federal Rule of Civil Procedure 41, the undersigned **RECOMMENDS** that Plaintiff's Motion to Dismiss be **GRANTED** and that Plaintiff's claims be **DISMISSED WITHOUT PREJUDICE**. (Doc. 13).

Accordingly, the undersigned **RECOMMENDS** Plaintiff's Motion to Dismiss be **GRANTED**. (Doc. 13).

It is so **ORDERED**.

SIGNED this 3rd day of August, 2021.



RONALD C. GRIFFIN
UNITED STATES MAGISTRATE JUDGE

INSTRUCTIONS FOR SERVICE AND NOTICE OF RIGHT TO APPEAL/OBJECT

In the event that a party *has not been served* by the Clerk with this Report and Recommendation electronically, pursuant to the CM/ECF procedures of this District, the Clerk is **ORDERED** to mail such party a copy of this Report and Recommendation by certified mail. Pursuant to 28 U.S.C. § 636(b)(1), any party who desires to object to this report must serve and file written objections within fourteen (14) days after being served with a copy. A party filing objections must specifically identify those findings, conclusions, or recommendations to which objections are being made; the District Judge need not consider frivolous, conclusive, or general objections. Such party shall file the objections with the Clerk of the Court and serve the objections on all other parties. A party's failure to file such objections to the proposed findings, conclusions, and recommendations contained in this report shall bar the party from a *de novo* determination by the District Judge. Additionally, a party's failure to file written objections to the proposed findings, conclusions, and recommendations contained in this report within fourteen (14) days after being served with a copy shall bar that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal conclusions accepted by the District Judge. *Douglass v. United Services Auto. Ass'n*, 79 F.3d 1415, 1428–29 (5th Cir. 1996).

